

CAB Minutes
October 11, 2019

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, October 11, 2019

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

Beth Pochtar, Chair
John Scialla, Vice Chair
Douglas Boydston
Andy Cattano
Kathy Herity
Henry Kelly
Arthur Londensky
Bob Mellohusky
Gregory Moten
Tony Neibert
Stephen Rodzinak
Valerie Waricka

DCA Staff

Edward Smith, Director, Division of Codes and Standards
John Terry, Assistant Director, Division of Code and Standards
Marie Daniels, Code Development Unit
John Delesandro, Education and Licensing Units
Robert Hilzer, Office of Regulatory Affairs
Paul Lamberti, Office of State and Local Code Inspections
Keith Makai, Code Assistance Unit
Adam Matthews, Code Assistance Unit
Anthony Menafro, Bureau of Construction Project Review
Erin Mifka, Chief, Bureau of Construction Project Review
Tom Pitcherello, Code Assistance Unit
Daniel Tober, Bureau of Construction Project Review
Michael Whalen, Code Assistance Unit
Chrystene Wyluda, Director's Office

Guests

Bill Connolly, Member of the Public
Frank Marshall, Staff Attorney, League of Municipalities
Brian K. Miller, Plainsboro Township/MUNCO
Cynthia Wilk, Member of the Public

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

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Director Edward Smith began the meeting by announcing Assistant Director John Terry's retirement effective November 30, 2019. Director Smith and the Board applauded Mr. Terry for his dedication to his work during his 33 years with the Department.

A. Approval of Minutes of the Code Advisory Board Meeting of February 8, 2019

Mr. Art Londensky made a motion, which was seconded by Mr. Gregory Moten, to approve the minutes without change. The motion carried unanimously.

B. Subcode Committee Reports

Electrical Subcode Committee: Mr. Tony Neibert, Chair, reported on meetings that were held on May 23 and July 25, 2019 in which agenda items and other topics were discussed.

C. Old Business

There were no Old Business agenda items.

D. New Business

1. Draft Rule: In Response to Ordinary Maintenance/Minor Work Petition (N.J.A.C. 5:23-2.7 and 2.17A)

Mr. Robert Austin explained that this draft rule was in response to a petition received by the Department regarding changes to the Ordinary Maintenance and Minor Work requirements. Mr. Austin explained the deadlines and decisions required when a petition is received and explained that it is the responsibility of the Commissioner to respond to a petition. As such, the response is outside the scope of the Code Advisory Board's review. As stated on the cover memo for the draft rulemaking, the response to the petition was to be published in the November 4, 2019 edition of the *New Jersey Register*. Mr. Austin noted that the response was included in the meeting packets as item D.1.c. for the Board's information.

Mr. Austin then briefly addressed the draft rule, which contains all items which resulted in a rulemaking as a result of the Commissioner's decision on the petition. One board member questioned how decks would be handled. Mr. Austin explained that a recent *Construction Code Communicator* article has been updated to reflect the fact that structural work requires a permit, and language addressing the same has been included in the draft rule.

The draft rule was referred to all Subcode Committees.

2. Draft Rule: Temporary Structures and Utility Connections (N.J.A.C. 5:23-2.14)

Mr. Robert Austin explained that this draft rule would specify that a permit is required when a temporary structure installs electrical and other equipment. It had never been envisioned that such structures, which are less than 120 square feet and which remains in place for fewer than 180 days, would have electrical equipment.

The draft rule was referred to the Building and Electrical Subcode Committees.

3. Draft Rule: Single-Family Detached Home Plans (N.J.A.C. 5:23-2.15A)

Mr. Robert Austin explained that this draft rule is a housekeeping item which would ensure that N.J.A.C. 5:23-2.15A mimics the requirements of N.J.A.C. 5:23-2.15.

Mr. Art Londensky made a motion, which was seconded by Mr. Bob Mellohusky, to approve the draft rule without change. The motion carried unanimously.

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4. Draft Rule: Subcode Cleanup (N.J.A.C. 5:23-3.14, 3.16, 3.18, 3.21, and 6.1)

Mr. Robert Austin explained that this draft rule is comprised of editorial changes to the adopted subcodes to comport with the latest editions of the model codes. One board member questioned whether sections regarding the term “common path” still exist. Mr. John Terry explained that the 2018 International Building Code erroneously refers to common path as “common path of travel,” but New Jersey edition adopted the term as it was intended to be written.

Mr. Tony Neibert made a motion, which was seconded by Mr. John Scialla, to approve the draft rule without change. The motion carried unanimously.

5. Draft Rule: Blower Door Exception Deletion (N.J.A.C. 5:23-3.18 and 3.21)

Mr. Robert Austin introduced the draft rule, which would require a blower door test in lieu of the test being optional. Mr. Austin then explained the history of the blower door exception. In the 2009 International Energy Conservation Code, the blower door test was introduced as an option; by 2015, the IECC required the test (per the never-adopted 2012 edition), but the State retained the optional language. Since its introduction, the price of the blower door test has greatly decreased, costing approximately \$350-500 on average. Requiring the test would also be in line with the New Jersey Energy Master Plan. One board member asked how the test was performed, and Mr. Robert Austin explained the process via the code section that addresses the testing criteria.

The draft rule was referred to the Building and Mechanical Subcode Committees.

6. Draft Rule: Barrier Free Subcode Recreation Complaints (N.J.A.C. 5:23-2.38)

Ms. Marie Daniels explained this draft rule, which would require Barrier Free Subcode Recreation Complaints to be handled through the Office of Administrative Law. The OAL is the authority in complaints and has the appropriate staff to research these issues. Additionally, because playgrounds are self-certified, the Department’s involvement in such issues is minimal.

Mr. Art Londensky made a motion, which was seconded by Mr. John Scialla, to approve the draft rule without change. The motion carried unanimously.

7. Draft Rule: Radon for Educational Buildings (N.J.A.C. 5:23-10.4)

Mr. Robert Austin explained the draft rule, which would establish construction techniques for radon hazard protective features in Group E buildings. One board member asked whether there was any consideration for including daycare centers (Group I-4) within these requirements. It was explained that only Group E is addressed within the rulemaking.

The draft rule was referred to the Building Subcode Committee.

8. Draft Revision: Oxford House Bulletin (Bulletin 04-2)

Ms. Marie Daniels explained that the revisions to the Bulletin are intended to include an explanatory paragraph which should eliminate confusion regarding application of this bulletin, which addresses the designation of a use group for Oxford Houses under the Uniform Construction Code.

The draft revision was referred to the Barrier Free and Building Subcode Committees.

E. Information

1. CAB Meeting Dates 2019

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- The next Code Advisory Board meeting is scheduled for December 13, 2019.
2. CAB Log
The updated Code Advisory Board activity log was included in the meeting packets.
 3. List of Pending Legislation
There was no pending legislation to provide to the Board.

F. Public Comments

Mr. William Connolly spoke about the Ordinary Maintenance and Minor Work petition. Mr. Connolly stated that the petition was filed by the New Jersey League of Municipalities as well as the State Inspector Associations as a result of the March 5, 2018 adoption. Mr. Connolly further stated that the petition sought to amend 25 items within the Uniform Construction Code; the response to the petition agreed with nine items. Mr. Connolly stated his opinion that there were six items which needed to be addressed by the Department, and added that all of these issues could have been addressed through discussions between the Department and the Associations.

Mr. Frank Marshall, Staff Attorney, League of Municipalities, agreed with Mr. Connolly and stated he would be happy to answer any questions pertaining to the petition.

Mr. Brian Miller agreed that conversation could have resolved a number of the issues brought forth by the petition.

G. Adjourn

The public portion of the meeting was adjourned at 10:22 a.m.

H. Executive Session

The Executive Session was called to order at 10:25 a.m.

I. Adjourn

The meeting was adjourned at 10:30 a.m.